

*Transmitted Via Facsimile to (571) 273-8300*

Docket No. 135270 (553-1044)  
PATENT

### REMARKS

Claims 1-28 are currently pending in this application. Claims 1-28 have been rejected. No new matter has been added. It is respectfully submitted that the pending claims define allowable subject matter.

Claims 1-25, 27 and 28 have been rejected under 35 U.S.C. §102(e) as being anticipated by Brady et al. (U.S. Patent 7,200,612), hereafter Brady. Claim 26 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Brady in view of Giger et al. (U.S. Patent Application Publication 2001/0043729), hereafter Giger. Applicants respectfully traverse these rejections for at least the reasons set forth hereafter.

Brady is directed to a system for processing data for interpretation wherein the submission of data (such as image data) obtained locally from instrumentation is provided automatically to a remote database that grows over time (abstract). The information in the database is from multiple users that may be produced from a plurality of geographically separate sites. In particular, the database 20 includes an interpretation database 22 that stores interpretations produced by different users and an intelligent information database 23 that stores a set of intelligent agents 24 that produce statistical generalizations about particular users, groups of users, classes of data, etc. Additionally, software is provided to develop training programs from the information in the database 20 that can include user-supplied examples and examples chosen by the intelligent agent 24 from the database 20 (column 5, line 23 to column 6, line 58).

Independent claim 1, as amended, recites a knowledge-based diagnostic imaging system having, among other elements, a controller "for accessing said database based on said new patient data set and providing automated instructions." Additionally, independent claim 21, as amended, recites a network comprising, among other elements, a controller "for accessing said past patient images based on said new patient images and providing automated instructions." Brady does not teach such a system or network.

The system of Brady provides a system wherein similar information (e.g., earlier similar results) may be downloaded from the database and displayed alongside locally produced data to help a user to interpret the locally produced data (see, e.g., column 6, lines 21-35). Additionally,

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training programs may be developed to help train individuals, for example, on how to interpret certain data. However, Brady does not teach providing automated instructions. Although the system of Brady may provide information to help a user interpret certain locally produced data (e.g., medical data) or may provide examples to help train a user, the system of Brady simply does not provide any *automated instructions*, and also not based on new patient data or images. Nothing in Brady, for example, provides a user with a "cookbook" type process to arrive at a solution. In contrast, the user must still know how to perform the steps needed to arrive at a solution. Accordingly, Applicants submit that Brady fails to teach a system as recited in claim 1 or a network as recited in claim 21 and independent claims 1 and 21 are allowable over the cited prior art.

Moreover, independent claim 12, as amended, recites a method for providing knowledge-based diagnostic imaging that includes, among other elements "analyzing said past patient data sets of previously analyzed patients based on said new patient data set to generate a suggested action." Brady does not teach such a method.

As discussed above in more detail in connection with claims 1 and 21, the system of Brady may provide examples or similar stored data to assist a user in interpreting locally produced data. However, in contrast to the method of claim 12, the system of Brady simply does not provide any type of suggested action. Rather, the system of Brady only provides examples for comparison, which may be used for interpretation or training purposes. Accordingly, Applicants submit that Brady fails to teach a method as recited in claim 12 and independent claim 12 is allowable over the cited prior art.

Applicants also submit that Giger fails to make up for the deficiencies of Brady with respect to the independent claims.

Moreover, Applicants submit that dependent claims 2-11, 13-20 and 22-28 are likewise patentable over the cited art based at least on the dependency of these claims from the independent claims.

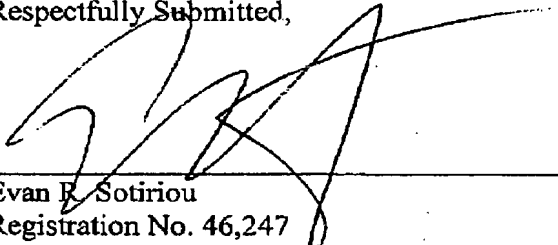
In view of the foregoing amendments and remarks, it is respectfully submitted that the prior art neither anticipates nor renders obvious the claimed invention and the pending claims in

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this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the telephone number listed below.

Respectfully Submitted,



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